

O.A. No. 432/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri S.A. Sainis, Id. P.O. for the applicants (Original respondents) and Shri Chauhan, Id. counsel holding for Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. three weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 498/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri A.M. Ghogre, Id. P.O. for the applicants (Original respondents) and Shri Chauhan, Id. counsel holding for Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. three weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 799/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri Chauhan, Id. counsel holding for Shri N.D. Thombre, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. three weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 986/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri S.P. Chauhan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. three weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 436/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri S.N. Gaikwad, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks** along with O.A.437/2018.

**Member (J)**

dnk.

O.A. No. 437/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri S.N. Gaikwad, Id .counsel holding  
for Shri J.S. Wankhede, Id. counsel for the  
applicant and Shri S.A. Sainis, Id. P.O. for the  
respondents.

At the request of Id. counsel for the  
applicant, **S.O. two weeks** along with  
O.A.436/2018.

**Member (J)**

dnk.

O.A. No. 951/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri G.N. Khanzode, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 145/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

**Heard. Admit.**

The Id. P.O. waives notice for the respondents.

The applicant is at liberty to file rejoinder, if any.

**S.O. in due course.**

**Member (J)**

dnk.



O.A. No. 421/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri B. Kulkarni, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 418/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri B. Kulkarni, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply as a last chance.

**Member (J)**

dnk.

O.A. No. 134/2013 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

**MCA 59/2019 -**

None for the applicants. Shri A.M. Khadatkar, Id. P.O. for R-1. None for R-2.

The learned P.O. is directed to file reply within one week.

**S.O. one week.**

**Member (J)**

dnk.

O.A. No. 583/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri A. Ansari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 5. None for R-6&7.

The learned P.O. files reply on behalf of R-1 to 5. It is taken on record. Copy is served on the applicant.

**Heard. Admit.**

The Id. P.O. waives notice for R-1 to 5.

The applicant is at liberty to file rejoinder, if any.

**S.O. in due course.**

**Member (J)**

dnk.

O.A. No. 521/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri R.V. Shiralkar, Id. counsel for the applicant is on leave. Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 558/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri S.N. Gaikwad, Id. counsel holding  
for Shri V.B. Gawali, Id. counsel for the  
applicants and Shri A.M. Khadatkar, Id. P.O.  
for R-1 to 7. None for R-8&9.

At the request of Id. P.O., **S.O. two  
weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 29/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Shri M.R. Khan, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

It is submitted by the learned P.O. that some time is required to make submission regarding compliance of the order dated 11/12/2018. At his request, **S.O. 20/08/2019**.

**Member (J)**

dnk.

O.A. No. 617/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Heard Shri V.S. Kukday, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Perused the impugned order dated 31/7/2019. Apparently, this is mid-term transfer and specific reason for the transfer is nowhere mentioned in the order.

3. In view of this matter, so far as transfer of the applicant is concerned, be stayed till filing of the reply by the respondents.

4. Issue notice to R-2 & 3, returnable **after two weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.



7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after two weeks.**

Steno copy is granted.

**Member (J)**

dnk.

O.A. No. 243/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 08.08.2019**

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant is challenging the impugned transfer order dated 25/1/2018 mainly on the ground that it is mid-term transfer order and minimum tenure at Yavatmal was not completed by him. It appears from the order that the applicant was transferred from Government Medical College, Yavatmal to Government Medical College, Jalgaon. It is submitted on behalf of the applicant that there was no administrative exigency to transfer the applicant in the mid-term from Yavatmal to Jalgaon.

3. The learned P.O. has justified the transfer order on the ground that total 10 Officers were transferred who were Members of the teaching staff of the various Medical Colleges, Pune, Akola, Solapur, Kolhapur, Mumbai and Yavatmal and all the Officers were transferred to Government Medical College, Jalgaon. It is submitted that in the transfer order it is mentioned that it was necessary to transfer the 10 Faculties to the

newly established Government Medical College, Jalgaon and therefore the transfer is not in violation of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005").

4. I have gone through the transfer order dated 25/1/2018. It is apparent on the face of the order that all the Faculties who were serving in the Medical Colleges, Pune, Akola, Solapur, Kolhapur, Mumbai and Yavatmal were transferred to Government Medical College, Jalgaon. It is not a case that in the mid-term only the applicant was transferred to Government Medical College, Jalgaon.

5. My attention is also invited to the conduct of the applicant refusing his promotion as Associate Professor. It seems that the applicant was promoted as Associate Professor and transferred to Gondia, but the applicant gave up the promotion. It is also shown that the applicant worked at Yavatmal for about 9 years. The subsequent conduct of the applicant is also important. In this matter the applicant was relieved from the duty after his transfer to Jalgaon and in this matter no interim stay was granted. It is informed that till today the applicant has not resumed the duty at Jalgaon. It must be remembered that the applicant being a Faculty and he was transferred to

Government Medical College, Jalgaon and that decision was taken in the interest of Students taking education in the Government Medical College, Jalgaon, but the applicant avoided to obey the order and he remained absent.

6. Considering all the facts and circumstances, I am compelled to say that there is no merit in this application. Hence, the O.A. stands dismissed with no order as to costs.

**Member (J)**

dnk.

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O.A.No.386/2016  
(D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman  
and

Shri A.D.Karanjkar, Member(J)

Dated :08<sup>th</sup> Aug. 2019.

M.C.A.11/18 in C.A.109/17 in  
C.P.St.568/17:-

Heard Shri D.M.Surjuse, the Id. Counsel  
for the applicant and Shri M.I.Khan, the Id. P.O. for  
the respondents.

2. At the request of Id. P.O., **S.O. one week.**

Member(J)  
Chairman  
Date:-08/08/2019.  
aps.

Vice

O.A.No.710/2016 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

**Rev. NO. 19/2019:-**

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 5 and Shri N.S.Autkar, the Id. counsel for the respondent no. 6.

2. At the request of Id. counsel for the respondent no. 6, **S.O. two weeks** as a last chance.

**Member(J)**

**Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No.555/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

Heard Ms. Kukday, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submitted that she will file service affidavit. At the request of Id. P.O., **S.O. three weeks to file reply.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.Nos.317/2016 & 602/2003 (D.B.)

**Coram:**Shri Shree Bhagwan, Vice Chairman  
and

Shri A.D.Karanjkar, Member(J)

**Dated** :08<sup>th</sup> Aug. 2019.

**C.P. Nos. 23, 24, 25, 28 & 27/2019:-**

None the applicant. Shri P.N.Warjurkar,  
the Id. P.O. for the State. Notices are yet not  
collected by respondent nos. 2 & 3.

2. **S.O. two weeks.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**



O.A.No. 804/2016 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

**C.P. No. 26/2019:-**

Heard Shri G.N.Khanzode, the Id. Counsel  
for the applicant and Shri A.M.Khadatkar, the Id.  
P.O. for the respondents.

2.

**Member(J)  
Chairman**

**Vice**

**Date:-08/08/2019.  
aps.**

O.A.No. 487/2015 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

**C.P. No. 36/2017:-**

There is a leave note of Shri R.V.Shiralkar,  
the Id. Counsel for the applicant. Shri M.I.Khan,  
the Id. P.O. for the respondents.

2. **S.O. three weeks.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No. 402/2014 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

**C.P. No. 16/2018:-**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. None for the respondent no. 2.

2. At the request of Id. counsel for the applicant, **S.O. four weeks.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No. 395/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

**C.P. No. 11/2019:-**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**  
**20.08.2019.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No. 610/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Issue notice to R-2 & 3, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry

within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks.**

**Member(J)**  
**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No. 278/2012 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

None for the applicant. Shri H.K.Pande,  
the Id. P.O. for the Respondents.

2. The Id. P.O. submitted that time be  
granted to produce the enquiry report, **S.O. three  
weeks.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No. 236/2014 (D.B.)

**Coram: Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

None for the applicant. Shri A.M.Ghogre,  
the Id. P.O. for the Respondents.

2. The Id. P.O. has produced the  
appointment order of Shri Anil Narlal Rathod and  
Shri Prashant Yashwant Deshpande along with  
the G.R. No. vI d&1001@i:d:29%#kx&3½ 2002@ofRr;  
I #kij.kk] fnukd 09-01-2003-

3. S.O. two weeks.

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**



O.A.No. 550/2014 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

None for the applicant. Shri M.I.Khan, the  
Id. P.O. for the Respondent nos. 1 to 3. None for  
the respondent nos. 4 to 26.

**2. S.O. 26.08.2019.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No. 706/2015 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. Our attention is invited to Annexure-A-5, P.B., Pg. No. 59, by this letter, the Special Inspector General of Police, Establishment informed that as Writ Petition No. 465/2009 and Review Application No. 138/2012 were pending, and, therefore, the Department was unable to take decision on the issue of giving promotion and deemed date. It is pointed out that the Writ Petition No. 465/2009 is decided by the Hon'ble High Court on 28/06/2016 and now there is no hurdle in the way to take any suitable decision.

3. In view of the above, we direct the respondents to decide the issue regarding the claim of deemed date **within a period of two months** from the date of this order.

4. **S.O. Two Months.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**



O.A.No. 356/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.Borkute, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 to 3 and Shri A.B.Mirza, the Id. counsel for the respondent no. 4.

2. The Id. counsel for the applicant has pointed out merit list at P.B., Pg. No. 25, the applicant is at Sr. No. 3 female S.C. candidate in waiting list. Respondent no. 4 is at Sr. No. 5 selected against sports for open female candidate. As per the Id. counsel for the applicant 03 posts were available for open category out of 03, 01 post was reserved for open female. It is submitted that respondent no. 3 was selected to fill post reserved for open female. It seems that as open female candidate was not available, therefore, respondent no. 3 was appointed in open female category as per the circular dated 16.03.1999. The Id. counsel for the applicant submitted that as the applicant scored more marks than respondent no. 3, therefore, she should have been considered to fill the post reserved for open female candidate.

3. This issue is squarely decided by Hon'ble Division Bench of Bombay High Court, Aurangabad Bench in **Writ Petition No.**

**10103/2015 in Ms. Rajani D/o Shaileshkumar Kobragade Vs. State of Maharashtra & 55 Ors..**

In this writ petition it was contended that the circular dated 13.08.2014 was ultra virus. That relying upon the Judgment of **Anil Kumar Gupta & Ors. Vs. State of U.P. and Ors.** The contention was rejected by the Hon'ble High Court.

4. Here we would like to reproduce para nos. 25 & 26 of the Judgment :-

25. *In a case of **Smt. Kanchan Vishwanath Jagtap Vs. Maharashtra Administrative Tribunal & Another** in Writ Petition No. 1925 of 2014 with other connected writ petitions decided on 16<sup>th</sup> December, 2015, this court dealing with a case of general reservation and not compartmentalized reservation. In the said case the court was dealing with the matter, wherein there was general reservation of women and not compartmentalized reservation. In a case of women and not compartmentalized reservation. In a case of Asha D/o Ramnath Gholap Vs. The President District Selection Committee, Beed in Writ Petition No. 3929 of 2015 decided on 30<sup>th</sup> March, 2016, the Division Bench of this Court was concerned with the reservation for woman as a whole and not compartmentalized reservation for women. This Court held that, a female candidate from the reserved category having more marks can claim her right for the post meant for female from open.*

26. *The circular assailed before this Court is based on the observation of the Apex Court in a case of **Anil Kumar Gupta & Ors. Vs. State of U.P. & Ors.** referred*

to supra. The circular dated 13.08.2014 is in fact explanation to circular dated 16.03.1999. It deals with three stages. One of the clause in the said circular which is in vernacular language reads as under:-

½v½ i Eke Vlik&[kkyk ioxkizu I elarj vkj{k.k.kph ins Hkjr kuk-  
xqkorR; k fud"kuud kj [kY; k i oxkizhy menokj kph fuoM ; knh djkoh  
¼; k fBdk.kh [kY; k i oxkiz xqkorR; k vk/Mjkoj ekxkl oxiz  
menokj kph I ekos k gkby½ ; k ; knhr I elarj vkj{k.k.kuud kj vko'; d  
[kY; k i oxkiz; k menokj kph I ; k i ; klr vly rj dskrkgh iz u  
mnHko.kj ukgh vkf.k R; kuud kj ins Hkjtohr- tj ; k ; knhr I elarj  
vkj{k.k.kuud kj vko'; d [kY; k i oxkiz; k menokj kph I ; k i ; klr ul sy  
rj [kY; k i oxkiz kbh jk[kho I elarj vkj{k.k.kph ins Hkj.; kdjhrk I nj  
; knhrhy vko'; d i ; klr I ; brds 'koVps menokj oxGu ik=  
menokj kph dG [kY; k i oxkiz vko'; d i ; klr I ; brds menokj  
?ksksvko'; d vks±

The aforesaid circular is in tune with judgment of the Apex Court in a case of Anil Kumar Gupta and Ors. Vs. State of U.P. & Ors. referred to supra and cannot be said to be illegal.

5. As the specific contention is squarely dealt with and decided by the Hon'ble Division Bench of the Bombay High Court, therefore, we do not see any merit in the O.A..

6. Hence, **O.A. is dismissed** with no order as to costs.

**Member(J)**  
**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No. 761/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent no. 3.

2. At the request of Id. counsel for the applicant, **S.O. 13.08.2019.**

**Member(J)**

**Chairman**

**Date:-08/08/2019.**

aps.

**Vice**



O.A.Nos. 285 & 286/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri M.R.Rajgure, the Id. Counsel  
for the applicant and Shri A.M.Khadatkar, the Id.  
P.O. for the Respondents.

**2. Closed for orders.**

**Member(J)  
Chairman**

**Date:-08/08/2019.**

aps.

**Vice**

O.A.No.682/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri G.N.Khanzode, the Id. Counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the State. None for the respondent nos. 2 & 3.

2. As pointed out by the Id. counsel for the applicant, sufficient time has been given to the respondents. At the request of Id. P.O., **S.O. two weeks** as a last chance.

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.849/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

None for the applicant. Shri V.A.Kulkarni,  
the Id. P.O. for the respondents.

2. The Id. P.O. Seeks time, **S.O. three weeks.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.362/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri A.V.Muley, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. As per the letter dated 01.10.2018 (Annexure-A-2, P.B., Pg. No. 18) applicant was placed under suspension on 01.10.2018.

3. However, it is observed that in pursuant to Hon'ble Apex Court Judgment in Civil Appeal No. 1912/2015, order delivered on 16.02.2015, Government of Maharashtra has issued G.R. dated 09.07.2019 bearing no. ~~dekad~~ fuiivk&1118@izdz 11@11v. In the said G.R. in para 1 (ii) is below:-

"(ii)fuyicr 'kkl dh; I dcl& k T; k i dzj .kh 3 efgU; kpk dkyko/khr foHkxh; pl&id' kh I q d: u nks'kjksi i = ctk.; kr vkysulgh] v'kk idj.kh ek- I oH&p U; k; ky; kps vksk i kgrk] fuyicr I ektr dj.; kf'kok; vU; i; k; jkgr ulgh- R; ke&S fuyicr 'kkl dh; I dcl&ckr foHkxh; pl&id' khph dk; &kg h I q d: u nks'kjksi i = ctko.; kph dk; &kg h fuyicrki kl u 90 fnoI k&; k vkr dKv&dj i .ks dlyh tk&zy ; kph n{krk @ [kcjnkjh?ks; kr ; koh-

4. The above decision has been taken in view of observations given by DoPT on this issue as mentioned in reference 3 of the G.R. dated 09.07.2019:-

*"Office Memorandum F.No. 11012/04/2016-Estt. (A)  
Government of India Ministry of Personnel, Public*

*Grievances and Pensions, Department of Personnel & Training Establishment A-III Desk Dated August 23, 2016."*

5. The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 23 had observed as follows:-

*23. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

6. In view of the above said Judgment and Government G.R., the respondents are directed to revoke the suspension order of the applicant **within two weeks** from the date of this order.

7. With the above directions, **the O.A. is disposed of with no order as to costs.**

**Vice**

**Chairman**

**Date:-08/08/2019.**

aps.

O.A.No.581/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

None for the applicant. Shri V.A.Kulkarni,  
the Id. P.O. for the State. Notices are yet to serve  
for respondent nos. 2 to 7.

2. **S.O. three weeks.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.195/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he has filed service affidavit. The Id. P.O. seeks one week time to file reply. **S.O. one week.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.797/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri A.V.Muley, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant desires to file Rejoinder on reply filed by the respondents. The Id. counsel for the applicant is directed to file Rejoinder along with the latest G.R. and policy of Government regarding appointment on compassionate ground.

3. As agreed by both the counsels, matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. three weeks.**

6. *The Id. counsel for the applicant is at liberty to file Rejoinder.*

**Vice**

**Chairman**  
**Date:-08/08/2019.**  
aps.



O.A.No.608/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Issue notice to R-2 & 3, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.609/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As pointed out by Id. counsel for the applicant, the applicant was placed under suspension vide order dated 09.03.2017 (Annexure-A-1, P.B., P.No.15). Review committee meeting has taken place on 10.12.2018 (Annexure-A-4, P.B., Pg. No. 20) under the Chairmanship of Divisional Commissioner, Nagpur and Deputy Commissioner, Nagpur in the same meeting, the applicant is at Sr. No. 15 and in the column of decision of the committee it has been recommended that applicant should be reinstated subject to outcome of D.E. and court cases.

3. However, it appears that this order is not issued till today after a gap of about more than seven months.

4. The Id. counsel for the applicant is also pointed out that Collector, Bhandara letter dated 01.01.2019 (Annexure-A-3, P.B., Pg. No.19) in last para Collector has also written to Commissioner and Director of Municipal Administration, Warli (Mumbai) to reinstate the applicant in view of recommendation of the review committee and

issue order for suitable posting at non-functional post. However, the same order is yet to be issued.

5. In view of above, the respondent no. 2 is directed to comply the recommendation of review committee and to act as per the letter by Collector, Bhandara dated 01.01.2019 (Annexure-A-3, P.B., Pg. No. 19) and recommendation of Divisional Commissioner meeting dated 28/12/2018 **within two weeks** from the date of this order.

6. While observing the records it appears that respondent no. 2 has shown negligence by delaying the issue of said order which is undesirable in the interest of effective public administration.

7. Issue notice to R-2 to 4, returnable on 23-08-2019. Learned C.P.O. waives notice for R-1. Hamdast allowed.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

10. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week.

Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. **S.O. 23-08-2019.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

**O.A.Nos.165, 161, 162, 163 & 166/2015 & 48/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri R.L.Khapare, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. P.O. is directed to file on record two documents:-

A. Whether applicants in this O.As. approached to the Government after getting interim order of MAT dated 05.05.2016 for redressal of their grievances? If they approached to the Government then what is the position, file documents on record?

B. Whether State Government took any action after the decision of Hon'ble High Court in writ petition no. 2046/2010 i.e. Sachin Ambadas Dawale & 90 Ors. Vs. The State of Maharashtra, Principle Secretary Higher and Technical Education & Another delivered on 19.10.2013?

C. Decision taken by Government after order of Hon'ble High Court in writ petition no. 2046/2010.

3. However, the Id. counsel for the applicant is directed to file chronological synopsis of all the documents.

**4. S.O. 23.08.2019.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.197/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**



O.A.No.702/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. Next Week.**

**Vice**

**Chairman**  
**Date:-08/08/2019.**  
aps.

O.A.No.621/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 20.08.2019.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**

O.A.No.622/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :08<sup>th</sup> Aug. 2019.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 20.08.2019.**

**Chairman**  
**Date:-08/08/2019.**  
aps.

**Vice**